

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES S. LONGSHORE,

Plaintiff,

v.

ROBERT HERZOG, et al.,

Defendants.

CASE NO. C16-5629BHS-JRC

ORDER DENYING OBJECTIONS

This matter comes before the Court on the order of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 67), denying Plaintiff Charles Longshore's ("Longshore") motion to appoint expert and Longshore's objections to the order (Dkt. 72).

On September 13, 2016, Longshore filed a motion to appoint expert witness. Dkt. 36. On October 24, 2016, Judge Creatura denied the motion. Dkt. 67. On October 31, 2016, Longshore filed objections. Dkt. 72.

A party may serve and file objections to a nondispositive order. The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law. Fed. R. Civ. P. 72(a). The determination

1 to appoint an expert rests solely in the court's discretion. *See Leford v. Sullivan*, 105 F.3d
2 354, 358–59 (9th Cir. 1997).

3 In this case, Longshore fails to show that Judge Creatura abused his discretion,
4 made a clearly erroneous finding, or made a conclusion that is contrary to law. Instead,
5 Longshore merely disagrees with the decision. Discovery has just begun, and the Court
6 is confident that, if it appears that an expert is required at any point during discovery or
7 dispositive motions, Judge Creatura will thoroughly consider the matter. However, at
8 this time, Longshore has failed to show that denial of an expert is inappropriate.

9 Therefore, the Court **DENIES** his objections.

10 **IT IS SO ORDERED.**

11 Dated this 1st day of December, 2016.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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